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Attorney for Plaintiff,
BRODIE AMARANTE

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRODIE AMARANTE,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of the Social Security
Administration,

Defendant.

Case No.: 1:23-cv-00556-BAM

STIPULATION AND ~~PROPOSED~~ ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the above-entitled action in the amount of \$8,000.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services and expenses incurred on behalf of Plaintiff by counsel in connection with this civil action.

Upon the Court's issuance of an order granting EAJA fees to Plaintiff, the government will determine the issue of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 560 U.S. 586, 597-598 (2010), the ability to honor the assignment will depend on if the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will promptly determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government will cause the payment of fees to be

1 made directly to Plaintiff's attorney, LAW OFFICE OF JARED T. WALKER, P.C., pursuant to the
2 assignment executed by Plaintiff. Any payments made to Plaintiff will be delivered to JARED T.
3 WALKER.

4 This stipulation constitutes a settlement of Plaintiff's request for EAJA attorney fees and
5 does not constitute an admission of liability on the part of defendant under the EAJA or otherwise.
6 Payment of the agreed amount will constitute a complete release from, and bar to, any and all claims
7 that Plaintiff and/or Plaintiff's attorney, including LAW OFFICE OF JARED T. WALKER, P.C.,
8 may have relating to EAJA attorney fees in connection with this action.

9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
10 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

11 Dated: September 11, 2024

Respectfully submitted,

12 /s/ Jared Walker

13 JARED WALKER,
Attorney for Plaintiff

14 SO STIPULATED:

15 PHILLIP A. TALBERT
16 United States Attorney

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18 By: /s/ *Erin Jurrens
19 ERIN JURRENS
20 (*authorized by e-mail on 9/11/2024)
Special Assistant United States Attorney

21 Attorneys for Defendant
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ORDER

Based upon the parties' Stipulation for Award of Attorney Fees pursuant to the Equal Access to Justice Act (EAJA),

IT IS ORDERED that Plaintiff is awarded \$8,000.00 in fees and expenses under 28 U.S.C. § 2412(d), inclusive of all amounts claimed, subject to and in accordance with the terms of the parties' foregoing Stipulation.

IT IS FURTHER ORDERED that the pending motion for attorneys' fees (Doc. 22) is denied as having been rendered moot by this order.

IT IS SO ORDERED.

Dated: September 12, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE